S.B.CIVIL WRIT PETITION NO.1624/1995

Ashok Kumar
v.
State of Rajasthan & Anr.

DATE OF ORDER :: 13th February, 2007

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. M.S.Singhvi, for the petitioner.
Mr. B.L.Tiwari, Deputy Govt. Advocate.

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By judgment dated 7.1.1994 while accepting SBCivil Writ Petition No.774/1993 a direction was given to the respondents that if there are vacancies available with the respondents pertaining to the post of Laboratory Assistants (Agriculture) and if the persons less meritorious than the petitioner have been appointment then the appointment shall also be given to the petitioner. According to the petitioner the respondents despite availability of vacancy did not give appointment to him but employed a person who stood at lower pedestal in the list of selected candidates prepared in order of merit. By this petition for writ, therefore, a direction is sought for the respondents to appoint the petitioner as Laboratory Assistant (Agriculture) in District Chittorgarh.

In reply to the writ petition it is stated by the respondents that the petitioner never communicated the judgment dated 7.1.1994 passed by this Court in

SBCivil Writ Petition No.774/1993, therefore, there was no occasion to consider candidature of the petitioner for the purpose of appointment on the post concerned. It is also stated by counsel for the respondents that the cadre of Laboratory Assistants (Agriculture) has already been abolished by Government of Rajasthan, as such no relief as prayed by the petitioner can now be given.

Without entering into merits of the case, I am of the view that no relief claimed by the petitioner can be given at this stage as the cadre in that he was claiming appointment does not exist, as such this petition for writ is dismissed.

(GOVIND MATHUR),J.

kkm/ps.